

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING**  
**MEMORANDUM**

**DATE:** October 17, 2007

**TO:** Loudoun County Planning Commission

**FROM:** Nicole Steele, Project Manager

**SUBJECT:** **October 22, 2007 Planning Commission, Committee of the Whole**  
**SPEX 2005-0040, Holtzman Oil**

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**BACKGROUND:**

The Planning Commission held a public hearing for this application on July 16, 2007. Three (3) members of the public spoke regarding this application; one (1) against, commenting on the environmental issues of allowing a hotspot use in a flood plain, one (1) in favor, commenting on the contribution this application will bring to the economic development of the area, and one (1) neutral comment to provide additional information on the wetlands if needed.

The Commission voted 8-0-1 (Ruedisueli absent) to forward the application to the Committee of the Whole to discuss a number of outstanding issues, including (1) Conformance with the Revised General Plan regarding design; (2) Flood plain study and alteration; (3) Uses allowed on-site; (4) Entrance from Route 50; (5) On-site circulation; and (6) Conditions of Approval.

**ISSUES:**

Prior to the October 1, 2007 Planning Commission work session, staff and the applicant met on these issues and were able to agree on Conditions of Approval. However, a new issue surfaced regarding the ingress/egress easement located on the northern portion of the property established in 1999 to serve the property to the west of the application. This easement must be vacated and re-established to allow the required Type III buffer and parking within the easement. This would require cooperation with the property owner to the west. A Condition of Approval (#8) was created to allow the application to move forward.

At the October 1, 2007 Planning Commission work session, the Planning Commission requested that a letter of intent to vacate the northern easement be signed by the property owner to the west and be presented at a following PC work session. The applicant has been

in contact with the neighboring property owner and it has been expressed to staff that the letter will be presented at the October 22, 2007 Planning Commission work session.

Since the October 1, 2007 Planning Commission work session, concerns were raised by Fire & Rescue about the proposed access to the property to the west. A meeting took place with Fire & Rescue, the Office of Transportation Services, and Building & Development, resulting in some site plan changes to the application in order to provide direct access along a 30' drive aisle from Pleasant Valley Road to the property to the west within the northern access easement. Additionally, a reduction in parking per ZOAM 2006-0003, *Zoning Ordinance Review*, has been utilized in order to provide the wider access along the northern portion of the property. However, the Board cannot take action on this application until ZOAM 2006-0003 goes into effect on December 3, 2007.

Staff recommends approval of this application subject to the Findings dated September 26, 2007 and the Conditions of Approval dated October 17, 2007. The County Attorney has not made comments on the Conditions of Approval, dated October 17, 2007.

**STAFF RECOMMENDATION:**

Staff can support the application with the Conditions of Approval dated October 17, 2007, noting that the existing ingress/egress easement on the northern portion of the Property must be abandoned in order for the site to be developed as shown on the Special Exception Plat.

**SUGGESTED MOTION:**

1. I move the Planning Commission forward SPEX 2005-0040, Holtzman Oil, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated October 17, 2007 and Findings dated September 26, 2007.

**ATTACHMENTS:**

1. Revised Conditions of Approval dated October 17, 2007
2. Findings dated September 26, 2007
3. Revised Special Exception Plat dated October 17, 2007

## **HOLTZMAN OIL – SPEX 2005-0040**

### **CONDITIONS OF APPROVAL – October 17, 2007**

1. Special Exception Plat. The Special Exception uses and associated site development shall substantially conform to the Special Exception Plat prepared by Stantec Consulting Inc., dated May 26, 2005, and revised through October 17, 2007 except as revised by these conditions, and the Revised 1993 Zoning Ordinance. Approval of this application does not imply modifications of, or relieve the applicant of, any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. Uses Permitted. Approval of this Special Exception application grants approval for the following uses: automotive service station, convenience store, and restaurant, as defined by the Revised 1993 Loudoun County Zoning Ordinance.
3. Water Quality. The applicant shall incorporate a water quality design that achieves 65 percent phosphorous removal throughout the project site, as per Table 2-3 of the Virginia Stormwater Management Handbook.
4. Storm Sewer Network. The applicant shall design a storm sewer network that conveys storm discharges emanating from offsite properties, where the network is adequately sized to convey the 100-year storm event without flooding the proposed buildings, service areas, and parking lots.
5. Wetlands Bank. For any wetland and stream impacts determined to be unavoidable in conjunction with the permitting process, the applicant shall prioritize mitigation as follows: 1) onsite, 2) within the Bull Run Watershed within the same Planning Policy Area, 3) within the Bull Run Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ).
6. Best Management Practices. The Applicant shall employ the use of innovative BMP facilities, including but not limited to an oil/grit separator, spill containment BMP, surface spill containment area, and BMP filtration devices with the construction and operation of the automobile service station with gas pumps, convenience store, and restaurant. The applicant shall install an at-grade bioretention filter, such as a rain garden, directly above a subsurface BMP device located within the landscaped area along Route 50. The location of these BMPs are designated on the Special Exception Plat dated October 17, 2007.
7. Landscape Plan. The development of the special exception uses on the property shall include landscaping elements in substantial conformance with those shown on the Special Exception Plat Sheet 4 of 6, prepared by Stantec Consulting Inc, dated October 17, 2007. Species and locations may be changed in consultation with the County Urban Forester, as long as the screening effect remains the same or greater. The applicant shall maintain the landscaping in excellent condition throughout the lifetime of the special exception

uses. Additional plantings of native canopy, understory, and herbaceous vegetation shall be installed as part of the bioretention filter serving as a component of the stormwater management facility. The intent is to provide a natural corridor that provides landscaping continuity from Route 50, throughout the bioretention filter as shown on the Plat, to the developed site. The SWM/BMP facilities must contain 100% native plant species. Specific landscaping details shall be provided at site plan review.

8. Transportation. The owner shall provide transportation improvements as shown on the Plat dated October 17, 2007, prepared by Stantec Consulting Inc., and as described below prior to occupancy permit issuance.
  - a. Dedicate right-of-way for one-hundred (100) feet from the centerline of Route 50 along the property frontage and construct frontage improvements as shown on the Special Exception Plat and in accordance with County and VDOT requirements.
  - b. Dedicate sufficient right-of-way from the centerline of Pleasant Valley Road in order to accommodate double left turn lanes from Pleasant Valley Road to Route 50 eastbound and a right turn lane to Route 50 westbound.
  - c. The applicant shall construct improvements to Pleasant Valley Road as shown on the Special Exception Plat dated October 17, 2007 in accordance with County and VDOT requirements.
  - d. There shall be no direct vehicular access to the site from Route 50.
  - e. The applicant shall vacate or extinguish the existing 60-foot ingress/egress easement located along the northern boundary of the property prior to site plan approval.
  - f. The applicant shall establish a vehicular access easement with an executed shared entrance agreement to the adjacent property to the west of the site (MCPI# 097-20-0276) prior to site plan approval. This easement and agreement shall be provided in accordance with County requirements allowing for a two-way commercial driveway and access point across the northern portion of the Property providing direct access from the property on the west to Pleasant Valley Road.
9. Mechanical Equipment and Dumpster Screening. All exterior mechanical equipment and dumpster, including equipment located on the rooftop, shall be screened from view from public streets and adjacent properties. The screening may be accomplished by the use of a wall, by the appropriate placement of the equipment, and/or by other appropriate architectural and building elements compatible with the Unified Building Design of the proposed project.
10. Bicycle and Pedestrian Trails. In order to facilitate pedestrian movement, the applicant shall construct a 10-foot wide trail along Route 50, 5-foot wide sidewalk on Pleasant Valley Road along the frontage of the site, and a textured crosswalk, such as painted, stamped pavement, for easy identification, across the driveway ingress and egress along Pleasant Valley Road. All other sidewalks on the property must be at least 5-feet wide.

11. Bike Rack. Prior to issuance of the first occupancy permit for the restaurant, convenience store, and/or automotive service station; the applicant shall install at least one bike rack. The location and design of the bike rack shall be determined by the applicant, but the rack shall have room for at least 10 bicycles.
12. Lighting. The Property lighting shall be designed with full cut-off and shielded lighting fixtures so that light will be directed inward and downward toward the interior of the property, away from adjacent existing or planned roads and development. There shall be a maximum illumination of 5-foot candles for exterior building lighting and security lighting. There shall be a maximum illumination of 2-foot candles for the parking lots. The lighting shall be no greater than necessary for its intended purpose and the applicant shall power-down some or all of the exterior lights at appropriate times.
13. Construction Debris. Construction debris shall be secured onsite to prevent it from blowing into roadways and onto other adjacent properties. At the end of each work day, construction dumpsters shall be covered with tarps that are secured to the pavement to prevent wind action on the contents of the dumpsters. The perimeter of the site shall be inspected daily to assure that any loose debris is retrieved and secured onsite. Stacks of light construction materials such as, but not limited to, insulation, trim, sheet metals, plastic rolls, sheet goods, wiring, plastic pipe, or any other construction material that could possibly go airborne shall be secured within trailers, structures, or tied down under tarps or be otherwise secured to assure resistance to wind action.

NOTE: The Applicant has agreed to provide a one time fire and rescue contribution to the County in the amount of \$0.20 per square foot of non-residential floor area construction for equal distribution between the primary fire and rescue servicing companies. This contribution shall be made at the time of issuance of the applicable zoning permits. The contribution shall escalate annually from the base year of 1988 and change effective each January 1st thereafter, based on the Consumer Price Index (CPI).

## **HOLTZMAN OIL – SPEX 2005-0040**

### **FINDINGS – *September 26, 2007***

1. The proposed project is consistent with the policies of the Revised General Plan, the Arcola Area/Route 50 Corridor Plan, and the retail policies of the Countywide Retail Plan Amendment, which designates the area suitable for Industrial Uses or supportive uses for the surrounding community if the criteria from the Route 50 Plan can be met.
2. The three proposed primary uses, an automotive service station, a convenience store, and a restaurant, comply with the applicable requirements of the Revised 1993 Zoning Ordinance, subject to the removal of the ingress/egress easement located on the northern portion of the property.
3. The application complies with the policies of the Revised Countywide Transportation Plan, with no direct access to Route 50.
4. The proposed application will incorporate a water quality design that achieves 65 percent phosphorous removal throughout the project site.
5. These uses are generally compatible with the existing neighboring uses.